

TITLE IX

WATER

Chapter 1. Appropriation and Declaration of Pueblo Waters (Reserved)

Chapter 2. Domestic Water Control

Section 9-2-1. Encinal Canyon.

Section 9-2-2. Sub-village of Philadelphia.

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**CHAPTER 1. APPROPRIATION AND DECLARATION OF PUEBLO WATERS
(RESERVED)**

CHAPTER 2. DOMESTIC WATER CONTROL

Section 9-2-1. Encinal Canyon.

A. A water control and pollution control area is hereby established in the Encinal Canyon area, described as follows, to wit:

The East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 35, Range 6 West, Township 10 North and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 2, Range 6 West, Township 9 North, all being in the New Mexico Principal Meridian

Said area shall hereafter be available only for the drilling of future domestic water wells as authorized in writing by the Pueblo Council; it shall be unlawful for any person to drill any other type of well, such as irrigation wells, stock wells, range wells, or individual wells of any kind and character, without a proper ordinance of the Pueblo; no buildings shall be erected on said above described premises, with the exception of present commitments as of May 14, 1960, without the permission of the Council, unless the Council shall, by ordinance, provide for the proper sanitary requirements and disposal of waste materials in the area occupied by said buildings.

B. The following described area, to-wit:

All of Section 35, Range 6 West, Township 10 North, and the North Half (N $\frac{1}{2}$) of Section 2, Range 6 West, Township 9 North, N.M.P.M.

Said area is hereby classified as a water control area, being also situated in the area known as Encinal Canyon. No wells shall be drilled in said area in order to reduce the possibility of draining domestic water from the area indicated in above section hereof as much as possible.

C. The provisions hereof shall be inapplicable to the area covered by lease dated March 31, 1960, between the Pueblo as lessor and the Board of Education of the Town of Grants, New Mexico as lessee, to the extent that the Pueblo has made prior commitments in the lease as to that particular area that are consistent with these provisions.

Section 9-2-2. Sub-village of Philadelphia.

A. A water control and pollution control area is hereby established near the sub-village of Philadelphia in the area described as follows:

The South Half of the Southwest Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 31, Range 6 West, Township 10 North, and the North half of the Northeast quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 6, Range 6 West, Township 9 North, all being in the New Mexico Principal Meridian.

B. Said area shall hereafter be used only for the drilling of domestic water wells as authorized in writing by the Council. It shall be unlawful for any person to drill any well of any kind or character, without first obtaining from the Council a permit to drill a well and to take water therefrom.

C. No buildings shall be erected on the described premises, with the exception of present commitments as of December 18, 1961, without first obtaining a written permit from the Pueblo Council, which permit shall provide for the proper sanitary requirements and disposal of waste materials from such buildings.

D. Any person who violates this chapter shall be guilty of an offense and punishable by a fine not to exceed fifty dollars (\$50.00), or by confinement in a jail selected by the Pueblo Court for not more than thirty (30) days, or both such fine and confinement.

WATER

TITLE IX HISTORY

Title IX, Chapter 1, Appropriation and Declaration of Pueblo Waters, was enacted by Ordinance No. 04-77 on September 27, 1977.

Ordinance No. 04-77 reads as follows:

WHEREAS, the various agencies of the State of New Mexico, the United States Government and private individuals have appropriated water from the ground water basins beneath and the perennial and intermittent streams on or near the Laguna Reservation for public use, which water rightfully belongs to the Pueblo of Laguna; and

WHEREAS, the depletion of ground water supplies and the flow of the perennial and intermittent streams has restricted and will continue to restrict future use of the said water by the Pueblo of Laguna for recreational, irrigation, municipal, industrial and other purposes; and

WHEREAS, the Pueblo has utilized and will utilize in the future the entire ground water basins beneath and the full natural flow of the perennial and intermittent streams on and near the Laguna Reservation for its present and future survival and has immemorial rights thereto; and

WHEREAS, preservation of the natural beauty and scenery of the Reservation for the present and future enjoyment of Tribal members and others requires preservation of ground water supplies and the flow in natural water courses and all other waters on the Reservation; and

WHEREAS, preservation of the ground water under the Reservation is essential to the development of the Reservation and infringement on these water resources cannot be tolerated.

NOW, THEREFORE, BE IT ORDAINED that the Pueblo of Laguna hereby appropriates the full Natural flow of all perennial and intermittent streams located on or near the Reservation for its present and future needs for recreation, irrigation, municipal, industrial and other uses and said waters are hereby declared to be Pueblo waters, and to belong to the Pueblo of Laguna, and to be subject to such beneficial use as is declared by the Council of the Pueblo of Laguna.

BE IT FURTHER ORDAINED that the Pueblo appropriates all of the water of the underground streams, channels, artesian basins, reservoirs, or lakes on or underlying the Reservation and other Pueblo Lands and such water that feeds these water resources. Said waters are hereby declared to be Pueblo waters belonging to the Pueblo of Laguna and to be subject to such beneficial use as it is declared by the Pueblo Council of the Pueblo of Laguna.

Title IX, Chapter 2, Domestic Water Control, was enacted by Ordinance No. 6 on May 14, 1960 (Encinal Canyon) and was amended by Ordinance No. 9 (Sub-village of Philadelphia) on December 18, 1961.

PUEBLO OF LAGUNA CODE

Ordinance No. 6 reads as follows:

WHEREAS, the Department of Health, Education and Welfare has located potential domestic water producing wells in the Encinal Canyon area as hereinafter described, and

WHEREAS, the said Department of Health, Education and Welfare considers it vital that the area where said potential domestic water producing wells are located be classified and that well-drilling and waste material disposal activities in said area be restricted for the health and welfare of the inhabitants of the Pueblo of Laguna, now therefore be it

RESOLVED, that the Council of the Pueblo of Laguna hereby adopts the following: [TEXT OF ORDINANCE]

Ordinance No. 9 reads as follows:

WHEREAS, a potential domestic water producing well has been located near the sub-village of Philadelphia on pueblo land as hereinafter described; and

WHEREAS, it is necessary that the area wherein said domestic water producing well is proposed to be located be classified and that well-drilling and waste material disposal activities in said area be restricted to protect the health and welfare of the inhabitants of the Pueblo.

NOW THEREFORE BE IT ORDAINED, by the Council of the Pueblo of Laguna: [TEXT OF ORDINANCE]